

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ECF CASE  
08 CV 00484 (LLS)

NIPPON YUSEN KAISHA a.k.a. NYK LINE,  
Plaintiff,  
- against -  
DISTRIBUTION 1 (USA), INC.,  
Defendants.

SUMMONS AND PROCESS OF MARITIME  
ATTACHMENT AND GARNISHMENT

THE PRESIDENT OF THE UNITED STATES OF AMERICA.

To the Marshal of the U.S. District Court for the Southern District of New York, GREETINGS:

WHEREAS, the attached Verified Complaint in admiralty was filed herein for damages alleged to be due the said Plaintiff and praying that process of attachment and garnishment be issued;

WHEREAS, said Verified Complaint is supported by a declaration that the defendant, DISTRIBUTION 1 (USA), INC., cannot be found in this District;

NOW, THEREFORE, we do hereby command that you attach defendant, DISTRIBUTION 1 (USA), INC.'s goods, chattels, credits, and effects up to the amount sued for, namely: the property of defendant within the District, including monies owed to defendant by, or otherwise held by the following garnishees, to the extent of \$96,763.50:

AMERICAN EXPRESS BANK  
c/o Zeichner Ellman & Krause LLP  
575 Lexington Avenue, New York, NY 10022

BANK OF AMERICA  
345 Park Avenue, New York, NY

BANK OF CHINA  
410 Madison Avenue, New York, NY

BANK OF NEW YORK  
120 Broadway, Legal Dept., 19<sup>th</sup> Fl., New York, NY

BARCLAY'S BANK  
200 Park Avenue, New York, NY

BNP PARIBAS  
787 Seventh Avenue, New York, NY

CITIBANK, N.A.  
90 Park Avenue at East 40th Street, New York, NY

CREDIT SUISSE FIRST BOSTON  
One Madison Avenue, New York, NY

HSBC (USA) BANK  
452 Fifth Avenue, New York, NY

J.P. MORGAN CHASE BANK  
1 Chase Manhattan Plaza, New York, NY

STANDARD CHARTERED BANK  
1 Madison Avenue, New York, NY

WACHOVIA BANK  
360 Madison Avenue, New York, NY

And, that you promptly, after execution of this process, file same with the Court, with your return thereon; and

Garnishee is required, pursuant to Rule B(3)(a) of the Supplement Rules for Certain Admiralty and Maritime Claims, to serve upon Plaintiff's attorneys, Cichanowicz, Callan, Keane, Vengrow & Textor, LLP, 61 Broadway, Suite 3000, New York, New York 10006-2802, an answer to the Verified Complaint, together with answers to any interrogatories which may be served with the Verified Complaint, within 20 days after service of this Summons With Process of Maritime Attachment and Garnishment.

Defendants are required, pursuant to Rule B(3)(b) of the Supplemental Rules for Certain Admiralty and Maritime Claims, to serve upon Plaintiff's attorneys, Cichanowicz, Callan, Keane, Vengrow & Textor, LLP, 61 Broadway, Suite 3000, New York, New York 10006-2802, its answer within 30 days after process has been executed, whether by attachment of property or service on the garnishee

WITNESS, The Honorable Judges of this Court on this 24 day of ~~September, 2007~~ *January, 2008*

J. Michael McMahon Clerk

By:  Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ECF CASE  
08 CV 00484 (LLS)

NIPPON YUSEN KAISHA a.k.a. NYK LINE,  
Plaintiff,  
- against -  
DISTRIBUTION I (USA), INC.,  
Defendant.

DECLARATION OF SERVICE

JAMIE RODRIGUEZ declares that the following statement is true under the penalties of perjury:

1. I am over the age of 18 years and I am not a party to this action.  
2. On the dates and at the addresses set out in the attached list filled in by me, I served true and complete copies of the following process and pleadings in this case upon the garnishees also set out in the attached list:

- (a) Process of maritime attachment and garnishment;
- (b) Court order granting attachment;
- (c) Court order allowing for substitute process server;
- (d) Plaintiff's Supplemental Admiralty Rule B declaration;
- (e) Plaintiff's Memorandum in support of attachment;
- (f) Plaintiff's summons;
- (g) Plaintiff's complaint;
- (h) Plaintiff's corporate disclosure statement;

For each garnishee, service was made by personal delivery to the person identified and described in the attached list; and each such personal represented to me that he or she was authorized to receive service of process for that garnishee.

Dated: New York, New York

February 20, 2008

/s/   
Jamie Rodriguez

JAMIE RODRIGUEZ

AMERICAN EXPRESS BANK  
c/o Zeichner Ellman & Krause LLP  
575 Lexington Avenue, New York, NY 10022

Date Served: 2-14-08

Name of Person Served: Michael Antonovich

Job Title of Person Served: Managing Clerk

Gender: male

Hair Color: Greyish Brown

Approximate Height: 6 ft

Approximate Weight: 155

Approximate Age: 45

BANK OF AMERICA  
345 Park Avenue, New York, NY

Date Served: 2-14-08

Name of Person Served: Louis D'Agostino

Job Title of Person Served: Vice President

Gender: male

Hair Color: Grey / white

Approximate Height: 5-8

Approximate Weight: 145

Approximate Age: 62

~~BANK OF CHINA~~  
~~410 Madison Avenue, New York, NY~~

~~Date Served:~~

~~Name of Person Served:~~

~~Job Title of Person Served:~~

~~Gender:~~

~~Hair Color:~~

~~Approximate Height:~~

~~Approximate Weight:~~

~~Approximate Age:~~

BANK OF NEW YORK

120 Broadway, Legal Dept., 19<sup>th</sup> Fl., New York, NY

Date Served: 2-12-08

Name of Person Served: *Vivian P. McCall*

Job Title of Person Served: *Legal administrator*

Gender: *Female*

Hair Color: *Grey/Blond*

Approximate Height: *5-8*

Approximate Weight: *130*

Approximate Age: *29*

BARCLAY'S BANK

200 Park Avenue, New York, NY

Date Served: 2-13-08

Name of Person Served: *Alan B. Kaplan*

Job Title of Person Served: *Deputy General Counsel*

Gender: *Male*

Hair Color: *Grey*

Approximate Height: *5-2*

Approximate Weight: *135*

Approximate Age: *50*

BNP PARIBAS

787 Seventh Avenue, New York, NY

Date Served: 2-14-08

Name of Person Served: *Denise Campbell*

Job Title of Person Served:

Gender: *Female*

Hair Color: *Blond*

Approximate Height: *5-2*

Approximate Weight: *125*

Approximate Age: *30*

CITIBANK, N.A.  
1 Court Square, 7<sup>th</sup> Floor, Zone 5, Long Island City, NY  
Legal Service Intake Unit

Date Served: 2-15-08

Name of Person Served: Russum AB 20117  
Legal Service Intake Unit

Job Title of Person Served: Asst. Vice President / Legal Service Intake Unit

Gender: male

Hair Color: Black/Grey

Approximate Height: 5'-5"

Approximate Weight: 135

Approximate Age: 45

CREDIT SUISSE FIRST BOSTON  
One Madison Avenue, Legal & Compliance, New York, NY

Date Served: 2/13/08

Name of Person Served: Kathrin Mahgerefteh

Job Title of Person Served: Asst. Vice President / Legal & compliance.

Gender: female

Hair Color: Blond

Approximate Height: 5'-3"

Approximate Weight: 125

Approximate Age: 30

HSBC (USA) BANK  
452 Fifth Avenue, New York, NY

Date Served: 2-15-08

Name of Person Served: Esther Akinsanya

Job Title of Person Served: Customer Service

Gender: female

Hair Color: Black

Approximate Height: 5'-2"

Approximate Weight: 125

Approximate Age: 25

J.P. MORGAN CHASE BANK  
1 Chase Manhattan Plaza, Floor 20, New York, NY

Date Served: 2/2/08

Name of Person Served: Doreen Bertone.

Job Title of Person Served: Legal specialist III

Gender: female

Hair Color: Black

Approximate Height: 5-6

Approximate Weight: 140

Approximate Age: 58

STANDARD CHARTERED BANK  
1 Madison Avenue, New York, NY

Date Served: 2/13/08

Name of Person Served: Joann Terrero

Job Title of Person Served: Legal Dept.

Gender: female

Hair Color: Black

Approximate Height: 5-6

Approximate Weight: 135

Approximate Age: 30

WACHOVIA BANK  
360 Madison Avenue, New York, NY

Date Served: 2/14/08

Name of Person Served: Ever Garcia

Job Title of Person Served:

Gender: Black

Hair Color: Black

Approximate Height: 5-10

Approximate Weight: 146

Approximate Age: 30